MINUTES SUBJECT TO CORRECTION BY THE ESSEX JUNCTION ZONING BOARD OF ADJUSTMENT. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
October 15, 2013

MEMBERS PRESENT: Tom Weaver (Chairman); Ron Gauthier, Jim Moody, Bruce Murdough, Martin Hughes.
ADMINISTRATION: None.
OTHERS PRESENT: Steve Murray.

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1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Tom Weaver called the meeting to order at 6 PM. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

April 30, 2013

MOTION by Jim Moody, SECOND by Bruce Murdough, to approve the minutes of April 30, 2013 with the following correction(s)/clarification(s):

Page 3 – correct the spelling of "stream bed";

Page 6, top of page, sentence reading: "Ray Weed replied…" – change "very" to "every" so the sentence reads: "….every minute is a savings."

VOTING: unanimous (5-0); motion carried.

May 21, 2013

MOTION by Ron Gauthier, SECOND by Bruce Murdough, to approve the May 21, 2013 minutes as presented. VOTING: unanimous (5-0); motion carried.

4. REVIEW/SIGN ETHICS POLICY and ELECTION OF OFFICERS

Ethics Policy

The Board signed the Ethics Policy.

Chairman

MOTION by Bruce Murdough, SECOND by Martin Hughes, to nominate Tom Weaver as Chairman of the Essex Junction Zoning Board of Adjustment. VOTING: unanimous; motion carried.

Vice Chairman

MOTION by Bruce Murdough, SECOND by Martin Hughes, to nominate Ron Gauthier as Vice Chairman of the Essex Junction Zoning Board of Adjustment. VOTING: unanimous; motion carried.

5. PUBLIC HEARING

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the Board were sworn in.

Variance application to construct a 24'x 20' detached garage two feet from the side property line and five feet from the rear property line and to exceed the maximum lot coverage on an existing small lot at 130 Iroquois Avenue in the R-2 District by Randall Spiller, owner
Steve Murray appeared on behalf of the application.

STAFF REPORT
The Zoning Board received a written staff report on the application, dated 10/15/13. Tom Weaver noted the existing small lot is 49' wide (frontage on Iroquois Ave.) and the applicant would like to replace the existing 8'x 16'shed with a new 20'x 24' garage in the same location. The existing shed does not meet the side yard requirements. The backyard has sloping grade. The lot coverage with the new garage will be 43.32% which is 3.32% over the allowed maximum of 40%. The applicant indicated the concrete apron angling off the driveway will be removed. Stevens Park is located behind the property.

The following letters in support of the application were received:
- Susan Caron, 128 Iroquois Ave.
- Todd Powell, 130 ½ Iroquois Ave.

APPLICANT COMMENTS
Steve Murray representing Randall Spiller explained Mr. Spiller intends to remove the concrete pad off the driveway and plant grass. A couple of company trucks and a motorcycle were parked in the space. The house was a rental, but has been reverted to a single family dwelling.

PUBLIC COMMENT
Two letters from neighbors were received as previously noted. There was no additional comment from the public.

MOTION by Martin Hughes, SECOND by Jim Moody, to close the public portion of the variance application for 130 Iroquois Avenue. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION
Variance, Relief from setbacks and lot coverage, 130 Iroquois Ave., Spiller
FINDINGS OF FACT:
1. The subject property is located at 130 Iroquois Ave in the R-2 District with a lot size of approximately 5,733 s.f. The lot is a pre-existing small lot.
2. Minimum lot size in the R-2 District is 7,500 s.f.
3. Section 619.C.2 of the Land Development Code requires a minimum side yard setback of 8' for all structures.
4. Section 619.C.3 of the Land Development Code requires a minimum rear setback of 15' for accessory structures.

5. The applicant is proposing to construct a 24'x 20' garage two feet from the side property line and five feet from the rear property line so a variance of six feet from the side yard setback and 10' from the rear year setback are requested.
6. The proposed garage replaces the existing 8'x 16' shed that is presently in the side yard setback.
7. It is common in the neighborhood surrounding the subject property for structures to be closer to the side property line than the minimum side setback of 8' and closer to the rear property line than the minimum of 15' for accessory structures.
8. Maximum permitted total lot coverage in the R-2 District is 40% and maximum permitted building coverage is 25%.
9. Lot coverage will be 43.32% with the new garage which requires a variance of 3.32% from the maximum lot coverage allowed of 40%.
10. The subject property has only 49' of frontage along Iroquois Ave.
11. There were letters of support from neighbors at 128 Iroquois Ave. and 130 ½ Iroquois Ave. There was no other public testimony for or against the application.

CONCLUSION(S):
1. Findings of Fact #1-11 satisfy the variance criteria of Section 1703.C (1-6).

MOTION by Bruce Murdough, SECOND by Ron Gauthier, based on the Findings and Conclusion to grant the variances required to construct a 24' x 20' detached garage at 130 Iroquois Ave. as proposed by Randall Spiller, owner. VOTING: unanimous (5-0); motion carried.

6. OTHER BUSINESS

Description of Zoning Board of Adjustment Member
The Board reviewed and concurred with the description as presented.

7. ADJOURNMENT

MOTION by Jim Moody, SECOND by Martin Hughes, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 6:25 PM.

RScty: M.E. Riordan